App. F. IX-4

1949-50
(CB)

File No. 330-69

Serial Nos. 28

Previous References.

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

Part B for March 1950

SUBJECT

Mysore Legislative Assembly - Budget Session March 1950. Question No. 4. by Janab Mohamed Ibrahim re- tenure of office of the P. Pattadaikars. Judge High Court of Mysore.

21/9/50

...CB-

MYSORE LEGISLATIVE ASSEMBLY

Budget Session - March 1950

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Janab MOHAMED VALIULLA (Kolar Muslim)

94.- Will the Government be pleased to state:-

the period determined by the President for the Judges of the High Court of Mysore to continue to hold their offices under article 376, clause 2 of the Constitution?

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Submitted

1) The answer to the above question is not available in this branch.

2) For orders whether the reply may be that this Govt. have no information or whether the Speaker may be requested to consider disallowing the question under Sub. rule (1) of Rule 13. If the question were allowed, there may be supplementaries

4009

L. A. Budget Session.

asking for information, among other things, in regard to the Presidents' order determining the tenure of office of Sri Puttaraj Urs, which order is communicated to this Govt. in a "Secret" letter from the Govt. of India.

3) 2 cmR 7.3.50

Chief Secy)

Secretariat 8808 7 MAR 1950 GOVT. OF MY

Ind) 6.3.50.

4) We cannot say we have no reports. We have, however, at least one judge.

5) There is also an added separate question about Sri. R. Puttaraj Urs.

6) We have no communication about fixing up period of the judges to the High Court generally.

Office of the Chief Minister
No. LAC 191
Date of Receipt 7/3/50.
Date of Issue 7/3/50

A. Nair)

7) Draft reply may be sent up giving the information.

KLA 7/3/50.

LC 8/3/50

2 cmR 8/3/50

M. L. A. Budget Session Question

General and Revenue Secretariat

File No. 4003 CB of 195 . 4003 CB. [App. F. III—

Serial No.

8) The following draft reply is prop for Consideration as instructed :-

"Govt. have no information".

[Govt. do have information about one Judge, namely, Sri R. Puttaraj Urs as observed at para 4, but as Sri Puttaraj Urs no longer continues to hold Office as Judge, it is perhaps not necessary to give the information about him except when this is specifically asked for in a Supplementary Question]

9) Repce. para 7.

The draft reply proposed may be approved.

9.3.50.

Chief Secy)

xmk 9.3.50

The following would seem to be a proper answer :-

"Govt. have no information, Except in regard to one Judge, whose period of office was continued up to the forenoon of 1.2.1950".

Chief Minr)

9/3.

xmk 10/3/50

Submitted with a revised draft reply for Consideration - as a copy of the President's Order of 18.5.50 has since been received.

Draft reply is for approval.

18.8.50.

Chief Secy)

xmk 19.8.50

B 22/8/50 22/8 xmk 22/8/50 Chief Minr 22/8/50 Secy 21/8 xmk 21/8/50

Office of the Chief Minister No. 3593 Date of Receipt 21/8

Chief Minister No. 7329 Date of Receipt 10.3.50

Received on 17/8/50. xE

CHIEF SECRETARY 4651 1950 GOVT. OF MYSORE

CHIEF SECRETARY 8956 1950 GOVT. OF MYSORE

CHIEF SECRETARY 22 AUG 1950 GOVT. OF MYSORE

NOTE—Continuation Sheet.

WD 4509—GBPM—1,000—28.10.40.

DRAFT REPLY

MYSORE LEGISLATIVE ASSEMBLY.

BUDGET SESSION - March 1950.

Question No. 4 (starred) by Janab Mohamed Valiulla (Kolar Muslim)

Will the Government be pleased to state:

Question.	Answer.
The period determined by the President for the Judges of the High Court of Mysore to continue to hold their offices under article 376, clause ⅁ 2 of the Constitution?	The President has determined that every person who became, on the commencement of the Constitution, a Judge of the High Court of a Part B State, shall, unless otherwise provided by any order previously made by him in that behalf, ~~Shall~~ continue to hold office until he attains the age of sixty years. (Copy of Pub. Ntn. order is placed on the Table)

19.8.50.

21/8.

Chief Secretary to Government.

19.8.50

Reply sent to Secretary L.A. To-day

23/8

ORDER

No.F.19(12)-P/50 New Delhi, 18th May, 1950.

In pursuance of the provisions of clause (2) of Article 376 of the Constitution, I hereby determine that every person who by virtue of the said provisions became, on the commencement of the Constitution, a Judge of the High Court in a State specified in Part B of the First Schedule to the Constitution shall, unless otherwise provided by any order previously made by me in that behalf continue to hold office until he attains the age of sixty years.

Sd/- RAJENDRA PRASAD.

PRESIDENT

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"COPY"

Hon. Ramaprasad Mudaliar
for Chief Secretary to Government
18/5

Letter No.F.19(13)-P/50 dated the 23rd May 1950 from the Deputy Secretary to the Government of India, Ministry of States, New Delhi, to the Chief Secretary to the Government of Mysore, Bangalore.

Subj. Fixation of tenure of High Court Judges of Part B. States.

.....

Clause (2) of Article 376 of the Constitution provides in substance that the judges of the High Courts in Part B States, unless they have elected otherwise, shall become from the commencement of the Constitution, judges of the High Court of the States and shall continue to hold office until the expiration of such period as the President may by order determine even though such order may not be in accordance with clauses (1) and (2) of Article 217. It is, therefore, necessary for the President to determine in every case the period after the commencement of the Constitution during which Judges will continue to hold office. The President has already issued orders extending or curtailing in case of certain Judges the normal tenure prescribed in Article 217 of the Constitution. As regards the remaining judges the President has now made an order providing that each of such Judges will continue to hold office until he attains the age of sixty years. A copy of the Order is forwarded herewith for information and such further action as may be necessary.

O R D E R.

No. F.19(12)-P/50. New Delhi, 18th May, 1950.

In pursuance of the provisions of clause (2) of Article 376 of the Constitution, I hereby determine that every person who by virtue of the said provisions became, on the commencement of the Constitution, a Judge of the High Court in a State specified in Part B of the First Schedule to the Consitution shall, unless otherwise provided by any order previously made by me in that behalf continue to hold office until he attains the age of sixty years.

Sd/- RAJENDRA PRASAD.

PRESIDENT.

"Copy"

Hon. Ramakrishnaiya

For Chief Secretary to Govt.